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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|---------------------|------------------|
| 10/616,963 | 07/11/2003 | Helmut Schmidt | 3691-564 | 2122 |
| 23117 | 7590 | 11/30/2004 | EXAMINER | |
| NIXON & VANDERHYE, PC | | | NGUYEN, CHI Q | |
| 1100 N GLEBE ROAD | | | ART UNIT | PAPER NUMBER |
| 8TH FLOOR | | | 3635 | |
| ARLINGTON, VA 22201-4714 | | | | |

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/616,963 | SCHMIDT, HELMUT | |
| | Examiner Chi Q Nguyen | Art Unit 3635 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The citation "at least partially" is confusing because examiner is not clear how the glazing panel at least partially support by and located partially between first and second sash frames.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, and 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. (US 6,012,258).

In regard claims 1, 2, 3, 6, Brown teaches office paneling system with insert module comprising insert modules 8 are secured to frame and defining a light transmitting port or a glazed window through an office panel frame (col. 3, lines 16-22). The inserts modules 8 are served as glazing panels at least supported by and located partially between first 22 and second 20 sash frames. Brown shows in figures 4-6, the first sash frame 22 comprises pivot means, and snap-fit engagement means for snap-fit

engagement with the second sash frame, the pivot means is a hook-shaped member 54 of the first sash frame 22, and wherein the hook shaped member 54 of the first sash frame engages an end of a projection 52. The snap-fit engagement means of the first sash frame comprises at least one projection 28, which supports a barb 30.

In regard claims 8-13, Brown shows in figure 2, a glazing 8 at least supported by and located partially between a sash 22 or a mask member 22 and an exterior frame 20 member, each of the mask and the frame member having an opening defined in a central area thereof, and wherein the mask comprises a pivot means 54 having a hook shaped, and the exterior frame 20 having snap-fit engagement means, which including a projection 28 (see figs. 4-8).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Halbleib (US 6,506,112).

In regard claim 14, Halbleib teaches ventilator for a glass block window comprising a glazing 48 supported by and located between first and second sash frames 42, 44, a screen structure 80 comprising a screen mesh 88, having a peripheral wall, and supported by a frame 82-85. The screen 80 comprises pivot means 93, a snap fit engagement means 95, 96 (fig. 4).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown.

In regard claim 5, Brown teaches the structural elements for the connecting frames as stated. Brown further teaches the second sash frame 20 includes a channel 51 defined between first and second sidewalls 52, and wherein the pivot means 54 of the first sash frame 22 engages with at least one of the sidewall. Brown does not teach specifically the sidewalls 52 are approximately parallel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to adjust the sidewalls are approximately parallel, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954). The motivation for doing so would have been to provide a stronger securement between the sidewalls and the pivot means.

In regard method claims 17 and 18, Brown teaches the structural elements for the frame as stated. Brown does not teach expressly the method of assembling a window as taught by the applicant, examiner considers this to be the obvious method of setting up device of claims because in assembly of a window, one must obviously position a glazing panel between inner and outer sash members or mask member; the sash members having engaging members so-called as snap fit and pivot means, which

comprising a hook shaped member, and projection member, respectively, connect the sash and/or mask members by engaging the snap fit and pivot means together. Brown would be motivated to follow these steps to facilitate assembly to have the glazing panel supported by the sash frame members.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Carver (US 4,361,994).

Brown teaches the structural elements for the window including a screen as stated. Halbleib does not teach expressly the nap fit engagement means of the first sash frame comprises first and second projections, which support at least first and second barbs. Carver teaches structural support for interior wall partition comprising a snap fit element 40a having two projections 47a, 48a and two barbs 67, 68 (see fig. 3). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Halbleib's snap fit engagement mean with Carver for having the second projection support barb. The motivation for doing so would have been to provide more securement for the paneling system.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halbleib in view of Brown.

Halbleib teaches the structural elements for the window including a screen as stated except for the pivot means is a hook shaped member of the screen structure and wherein the hook shaped member of the screen structure engages an end of a projection. Brown teaches the paneling system having panel 22, snap fit engagement means, a pivot means 54 is a hook shaped member (see fig. 4). At the time of the

invention, it would have been obvious to a person of ordinary skill in the art to modify Halbleib's pivot mean with Brown for a pivot mean having a hook shaped member. The motivation for doing so would have been to provide better engagement between panels.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halbleib.

In regard method claim 19, Halbleib teaches the structural elements for the window including a screen as stated. Halbleib does not teach expressly the method of assembling a window as taught by the applicant, examiner considers this to be the obvious method of setting up device of claims because in assembly of a window, one must obviously position a glazing panel having pivot means 60, 62, between inner and outer sash members or mask member, connect the sash and/or mask members by pivot means together. Halbleib would be motivated to follow these steps to facilitate assembly to have the glazing panel supported by the sash frame members.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bouchey, Shoup, Linderman, Tatro, Welfonder, Farrar, Neilly, and Hornung teach window frame structures.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned is (703) 872-9306.

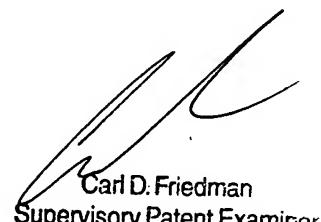
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

1113.

CQN
11/7/04



Carl D. Friedman
Supervisory Patent Examiner
Group 3600